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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,859

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EXAMINER

HU, RUI MENG

ART UNIT

PAPER NUMBER

2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,859

Applicant(s)

CRAWLEY, CASIMIR JOHAN

Examiner

RuiMeng Hu

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106.01 indicates "when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." **Claim 7** claims a computer readable medium containing software instructions, but claim 7 fails to specifically claim the software instructions is recorded on the computer readable medium, thus the software instructions is not structurally interrelated to the medium. In addition, the specification fails to mention examples of such computer readable medium, thus said readable medium is not limited to physical devices and could reasonably include electromagnetic propagating signals, which do not fall under statutory subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-2, 4-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bowles (US Patent 6389548)** in view of **Ozawa et al. (US 2001/0033531)**.

Consider **claim 1**, Bowles clearly disclose apparatus comprising: a receiver (figure 3, compact disc (CD) player, CD Pickup 33) for receiving an CD signal; a decoder (figure 3, EFM Demodulator 38) for demodulating said CD signal; and a processor (column 8 lines 6-67, figure 3, slicer 37 and hfSync 32) for polling said decoder for a loss of a phase lock in said demodulating of said CD signal.

Bowles fails to disclose the signal from a compact disc (CD) is audio file signal.

In the same field of endeavor, Ozawa et al. disclose a CD player plays audio data (Background of the Invention, figure 2, audio data played back from a CD 91).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Ozawa et al. into the art of Bowles as capable to play audio file signal such as from a music CD.

Consider **claim 2 as applied to claim 1**, Bowles as modified by Ozawa et al. discloses wherein said processor resets and reinitializes said decoder in response to said loss in said phase lock (column 8 lines 50-56).

Consider **claim 4 as applied to claim 1**, Bowles as modified by Ozawa et al. discloses said decoder comprises an eight to fourteen modulation EFM decoder (figure 3, EFM Demodulator 38).

Consider **claim 5 as applied to claim 1** Bowles as modified by Ozawa et al. discloses wherein said decoder outputs a digital audio stream (figure 3, EFM Demodulator 38 continuously outputs 8-bit Data Bytes).

Consider **claim 6 as applied to claim 5**, Bowles as modified by Ozawa et al. fails to disclose wherein said digital audio stream conforms to an I2S audio stream. However, official notice is taken that I2S is used for digital electronic devices (as a CD player) is well known in the art. Therefore, it would have been obvious to use I2S interface to correspond the existing digital audio stream, and output stereo.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bowles (US Patent 6389548)** as modified by **Ozawa et al. (US 2001/0033531)** in view of **Zuqert et al. (US 6466832)**.

Consider **claim 3 as applied to claim 1**, Bowles as modified by Ozawa et al. fails to disclose wherein said receiver comprises 900 MHz radio frequency reception circuitry.

In the related art, Zuqert et al. disclose a wireless receiver comprises 900 MHz radio frequency reception circuitry and capable of receiving CD digital audio signals (figure 7, Summary of the Invention).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Zuqert et al. into the art of Bowles as modified by Ozawa et al. as to include a 900 MHz radio frequency reception circuitry to receive CD digital audio signals wirelessly for increasing system dynamic.

Claim 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Zuqert et al. (US 6466832)** in view of **Bowles (US Patent 6389548)**.

Consider **claim 7**, Zuqert et al. clearly disclose a computer readable medium containing software instructions that (column 16 lines 33-45, the processor containing software instructions adaptively controls operation of the receiver), when executed by a processor, perform the steps of: receiving a modulated audio file signal (figure 7, Abstract); demodulating said modulated audio file signal (figure 7, down-converters 38, base-band processors 40).

However, Zuqert et al. fail to specifically disclose polling said demodulating for a loss in a phase lock in said demodulating; resetting and reinitializing said demodulating in reply to said loss in said phase lock.

In the related art, Bowles discloses polling the demodulating for a loss in a phase lock in demodulating (column 8 lines 6-67, figure 3, slicer 37 and hfSync 32); resetting and reinitializing the demodulating in reply to said loss in said phase lock (column 8 lines 50-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Bowles into the art of Zuqert et al. as to efficiently demodulate received CD digital audio signals.

Consider **claim 8 as applied to claim 7**, Zuqert et al. as modified by Bowles disclose demodulating is a digital eight to fourteen modulation digital decoding (Bowles, figure 3, EFM Demodulator 38).

Consider **claim 9 as applied to claim 7**, Zuqert et al. as modified by Bowles disclose receiving is synchronized to a 900 MHz range carrier frequency modulated by said audio file signal (Zuqert, column 16 lines 58-60).

Consider **claim 10 as applied to claim 7**, Zuqert et al. as modified by Bowles disclose wherein said decoder outputs a digital audio stream (Zuqert, figure 7, digital audio stream going into D/A converter 42).

Consider **claim 11 as applied to claim 7**, Zuqert et al. as modified by Bowles disclose wherein said polling is carried out by a processor (Bowles, figure 3, slicer 37).

Consider **claim 12**, Zuqert et al. clearly disclose a method for detecting a signal loss in a wireless audio file signal transmission (Abstract, figure 7, column 18 lines 17-26), said method comprising the steps of: receiving an audio file signal (Abstract); decoding said audio file signal (figure 7, down-converters 38, base-band processors 40); and polling received modulated signal for a loss of a phase lock in carrier frequency (column 18 lines 17-26).

However, Zuqert et al. fail to specifically disclose polling said decoding for a loss of a phase lock in said decoding of said audio file signal.

In the related art, Bowles discloses polling the decoding for a loss of a phase lock in decoding of CD file signal. (column 8 lines 6-67, figure 3, slicer 37 and hfSync 32).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Bowles into the art of Zuqert et al. as to efficiently demodulate received CD digital audio signals.

Consider **claim 13 as applied to claim 12**, Zuqert et al. as modified by Bowles disclose further comprising the step of resetting and reinitializing said decoding in response to said loss in said phase lock in said decoding (Bowles, column 8 lines 50-56).

Consider **claim 14 as applied to claim 12**, Zuqert et al. as modified by Bowles disclose said step of receiving comprises 900 MHz range carrier frequency synchronizing (Zuqert, column 16 lines 58-60).

Consider **claim 15 as applied to claim 12**, Zuqert et al. as modified by Bowles disclose said step of decoding comprises an eight to fourteen bit modulation EFM decoding (Bowles, figure 3, EFM Demodulator 38).

Consider **claim 16 as applied to claim 12**, Zuqert et al. as modified by Bowles disclose wherein said step of decoding outputs a digital audio stream (Bowles, figure 3, EFM Demodulator 38 continuously outputs 8-bit Data Bytes).

Consider **claim 17 as applied to claim 16**, Zuqert et al. as modified by Bowles fail to disclose wherein said digital audio stream conforms to an I2S audio stream. However, official notice is taken that I2S is used for digital electronic devices (as a CD player) is well known in the art. Therefore, it would have been obvious to use I2S interface to correspond the existing digital audio stream, and output stereo.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed**

to: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105.


Art Unit: 2618

The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RuiMeng Hu
R.H./rh
June 27, 2007


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SUPERVISORY PATENT EXAMINER
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